

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TARGET STRIKE, INC. and
GOLD RESOURCES OF
NEVADA, LLC(GRN I)

Plaintiffs,

v.

MARSTON & MARSTON, INC.;
MARSTON ENVIRONMENTAL, INC.;
CLIFFORD R. "KIP" WILLIAMS;
WILLIAM J. HARTLEY;
GOLD REEF INTERNATIONAL, INC.;
GOLD REEF OF NEVADA, INC.;
CRANDELL ADDINGTON;
BRETT CHANCE ADDINGTON;
SADIK AL-BASSAM;
RICHARD CRISSMAN CAPPS;
LOU B. KOST, JR.;
LOU KOST HOLDINGS, LTD.;
WILLIAM SHAFFER;
PAUL STROBEL;
PANTHER RESOURCES, INC.;
PANTHER RESOURCES
PARTNERS LLLP;
ADDKO, INC.;
TEXAS RESEARCH, LLC;
L.K. & C.A., INC.;
MEXIVADA MINING CORPORATION;
OTHER UNKNOWN DEFENDANTS
ACTING IN CONCERT WITH THE
ABOVE NAMED DEFENDANTS,

Defendants.

CLIFFORD R. "KIP" WILLIAMS;
RICHARD CRISSMAN CAPPS;
WILLIAM SHAFFER; and
PAUL STROBEL;

Counter-Plaintiffs,

CIVIL ACTION NO.

SA-10-CV-0188 OLG (NN)

v.	§
	§
TARGET STRIKE, INC.; and	§
GOLD RESOURCES OF	§
NEVADA, LLC (GRNI).	§
	§
Counter-Defendants.	§

WILLIAM J. HARTLEY,	§
	§
Counter-Plaintiff,	§
v.	§
	§
TARGET STRIKE, INC. and	§
GOLD RESOURCES OF NEVADA, INC.,	§
	§
Counter-Defendants.	§

CRANDALL ADDINGTON;	§
SADIK AL-BASSAM;	§
LOU B. KOST, JR.;	§
LOU KOST HOLDINGS, LTD.;	§
RESURRECTION CANYON, INC., f/k/a	§
PANTHER RESOURCES, INC.;	§
RESURRECTION CANYON, LLLP, f/k/a	§
PANTHER RESOURCES	§
PARTNERS, LLLP;	§
ADDKO, INC.;	§
TEXAS RESEARCH, LLC; and	§
L.K. & C.A., INC.,	§
	§
Counter-Plaintiffs,	§
v.	§
	§
TARGET STRIKE, INC, and	§
GOLD RESOURCES OF	§
NEVADA, LLC (GRNI),	§
	§
Counter-Defendants.	§

RESURRECTION CANYON, LLLP,	§
f/k/a PANTHER RESOURCES	§
PARTNERS, LLLP,	§
	§
Counter-Plaintiff,	§

v.	§
	§
TARGET STRIKE, INC. and	§
GOLD RESOURCES OF NEVADA, LLC,	§
	§
Counter-Defendants.	§

CLIFFORD R. "KIP" WILLIAMS,	§
RICHARD CRISSMAN CAPPS,	§
WILLIAM SHAFFER and	§
PAUL STROBEL,	§
	§
Counter-Plaintiffs,	§
	§
v.	§
	§
TARGET STRIKE, INC. and	§
GOLD RESOURCES OF NEVADA, LLC,	§
	§
Counter-Defendants.	§

ORDER GRANTING MOTION TO QUASH AND TO STRIKE

The matter before the Court is defendants' motion for protective order as well as motion to quash deposition of Kip Williams, plaintiffs' response, defendants' reply and plaintiffs' sur-response (Docket entries 93, 95, 96 and 101, respectively).

The motion concerns a deposition of Kip Williams scheduled for August 27. Defendants premise the motion on their representation that Mr. Williams has a serious eye condition that prevents him from being able to read and adequately prepare for the deposition. He is scheduled for surgery for this condition on September 22. He is expected to recover fairly quickly after the surgery.

Plaintiffs respond that the medical situation is a ruse and that defendants' true intent is to exaggerate Williams' condition and postpone the deposition until after plaintiffs are deposed; a

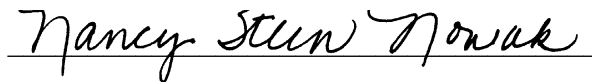
strategy which they argue is not permitted by the federal discovery rules.

Rule 26 (c) of the Federal Rules of Civil Procedure provides that the court may issue a protective order upon a showing of good cause. Defendants' representations concerning Mr. Williams' medical condition, the impact of that condition on his ability to prepare for the deposition and review documents during the deposition, the impending surgery and the recovery thereafter establish good cause for the relief sought, warrant quashing the deposition as scheduled on August 27, and rescheduling the deposition to a later date.

Accordingly the motion for protective order and to quash is **GRANTED**. No later than September 1, defendants are directed to provide to plaintiffs five dates within 20 days after the September 22 surgery when Williams will be available for his deposition.

It is so **ORDERED**.

SIGNED on August 24, 2010.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE